

REMARKS

This application has been carefully reviewed in light of the non-final Office Action dated August 8, 2007. Claims 25 to 27 have been added herein. Claims 1 to 14 and 21 to 26 are in the application, of which claims 1, 9, 14 and 24 are the independent claims. Reconsideration and further examination are respectfully requested.

Initially, the Applicant notes that, since support for the substance of the new claims is found throughout the disclosure, including at least pages 7 to 9 of the specification and page 7 line 5 to page 8 line 24, no new matter is believed to have been added.

In the Office Action, claims 1 to 14 and 21 -24 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,546,382 ("Amor") and a "TOP N Clause vs. SET ROWCOUNT", dated 5/21/2001 ("the Microsoft Article"). Reconsideration and withdrawal of the § 103(a) rejection are respectfully requested.

Referring to particular claim language, independent claim 9 recites a method including, *inter alia*, iteratively identifying a last record of a sorted result buffer, iteratively modifying a query to include a where criteria that compares remaining records in the data store to the identified last record based on a sort order determined by the order criteria, and iteratively comparing the remaining records in the data store against the identified last record in the sorted result buffer based upon the order criteria and the where criteria. Independent claims 1, 14 and 24 also recite these and other features.

The applied art is not seen to disclose, teach, or to suggest the foregoing features recited by the independent claims. In particular, neither Amor nor the Microsoft Article are seen to disclose at least the features that *i*) the query is iteratively modified to include a where criteria that compares remaining records in the data store to the identified last record based on a sort order determined by the order criteria; or *ii*) the remaining records in the data store are iteratively compared against the identified last record in the sorted result buffer based upon the order criteria and the where criteria.

Amor describes a method for finding ordered TOP N rows in order values from a set of data. *See* Amor, Col. 1:5 – 9; Col. 3:25 – 37. The Applicant agrees with the Examiner's indication that:

Amor does not explicitly teach:

G) to iteratively order the sorted result buffer based upon the order criteria.

See Office Action, pg 5. Logically, it must then follow that Amor also does not disclose the newly clarified features that *i)* the query is iteratively modified to include a where criteria that compares remaining records in the data store to the identified last record based on a sort order determined by the order criteria; or *ii)* the remaining records in the data store are iteratively compared against the identified last record in the sorted result buffer based upon the order criteria and the where criteria.

Moreover, the Microsoft Article also fails to cure Amor's deficiencies. While the Microsoft Article indeed describes method in a "TOP N engine" that "us[es] a small internal sorted temporary table in which it replaces only the last row," nothing in this short reference is seen to describe the iterative modification of a query to include a where criteria that compares remaining records in the data store to an identified last record based on a sort order determined by the order criteria. Absent such a description, the Microsoft Article cannot also be seen to iteratively compare remaining records based on the where criteria. Thus, the combination of references does not support a *prima facie* case of obviousness.

Based on the foregoing amendments and remarks, independent claims 1, 9, 14 and 24 are believed to be allowable over the applied references. New dependent claims 25 to 27 further identified additional distinguishing features that are not disclosed in Amor or the Microsoft Article, such as the features of pausing the query execution, resuming the query execution, or using a 'less than' sort order in the where criteria.

The other rejected claims in the application are each dependent from the independent claims and are believed to be allowable over the applied references for at least the same reasons. Because each dependent claim is deemed to define additional aspects of the disclosure, however, the individual consideration of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, objection, issue, or comment, including the Office Action's characterizations of the references, does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or cancellation. Since the amendments made herein have been made solely in an effort to expedite advancement of this case, the Applicants reserve the right to prosecute the rejected claims in further prosecution of this or related applications.

No fees are believed to be due at this time. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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/David E. A. Jordan/

David E. A. Jordan
Reg. No. 50325

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331